

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

TIMOTHY HEDRICK

PLAINTIFF

v.

No: 1:19-cv-00078 KGB-PSH

ALBERT ROOKE, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Timothy Hedrick filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on August 28, 2019 (Doc. No. 2). The same day, the Court granted Hedrick's application to proceed *in forma pauperis* and ordered him to file an amended complaint within 30 days. *See* Doc. No. 3. Hedrick was cautioned that failure to file an amended complaint within that time could result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).

More than 30 days have passed, and Hedrick has not complied with the August 28 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's order. *See Miller v. Benson*,

51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

It is therefore recommended that Hedrick's complaint (Doc. No. 2) be dismissed without prejudice.

DATED this 1st day of October, 2019.

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

UNITED STATES MAGISTRATE JUDGE